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MEMORANDUM

To: Mayor and City Council
From: Michael Smith, Public Works Director
Date: December 13, 2010
Subject: Discussion of Utility Marking Practices

ITEM DESCRIPTION

Discussion of Council's concerns with utility marking practices in Dunwoody.

BACKGROUND

Under state law (O.C.G.A. § 25-9-1) anyone planning to blast or excavate must make a request for utilities to be located and marked in the vicinity of the work. These requests along with requests made for surveying and design purposes are submitted to the Utility Protection Center (UPC) which is a statewide organization formed by the utility companies. Upon receipt of a request, the UPC contacts utility companies with facilities in the area to have the facilities marked. Marking is usually accomplished with marking paint or flags color coded to the type of facility that is being marked (e.g. yellow paint for gas lines). Markings are expected to last a minimum of 21 days as that is how long a request is considered valid by law. Many utility companies contract this service to private companies that specialize in utility location.

Council has expressed concerns about the permanence of the utility marking paint that is used within the City. The debate over how to minimize the visual impact of utility markings in public spaces while protecting underground utilities has arisen in many jurisdictions across the country. Earlier this year the state of Florida enacted a law that requires the use of low impact marking practices which include the use of "non-permanent paint".

DISCUSSION

If Council determines that low impact marking practices are appropriate, I would suggest two methods for enactment. One approach would be to require removal of utility paint markings at the end of construction as a condition of City building, land disturbance and utility permits. Secondly, the City could enact an ordinance that requires the use of low impact marking practices. To my knowledge Dunwoody would be the only jurisdiction in the area to adopt low impact marking. Thus, some effort would be needed to educate the multiple utility location companies and the many individual locators who work in multiple jurisdictions that Dunwoody has a different set of rules. Even with raised awareness, it is likely that some of the current standard practices will still occur. In instances where the non-compliant marking is not tied to a City permit, the City may only be made aware of the markings many months after the fact when it becomes apparent that the markings are not fading away as they should. After the fact enforcement could prove to be problematic.

RECOMMENDATION

Provide direction to staff as to how Council would like to proceed.

Ken Wright Mayor

Denis Shortal City Council Post 1
 Adrian Bonser City Council Post 2
 Doug R. Thompson City Council Post 3

Robert Wittenstein City Council Post 4
 Danny Ross City Council Post 5
 John Heneghan City Council Post 6